

MATTER OF SAKELLARIDES
In Visa Petition Proceedings

A-12284847

Decided by District Director May 8, 1967

Where beneficiary was awarded a diploma in aircraft maintenance engineering technology but evidence of record reveals that such a diploma does not qualify the recipient thereof for recognition as a professional engineer and that the credits earned are not acceptable for postgraduate work in engineering, he is not a member of the professions within the meaning of section 101(a)(32) of the Immigration and Nationality Act, as amended, and, therefore, ineligible for preference classification under section 203(a)(3) of the Act as an aircraft maintenance engineer.

Discussion: The petition seeks to classify the beneficiary as a preference immigrant under section 203(a)(3) of the Immigration and Nationality Act, as amended, based upon his qualifications as an aircraft maintenance engineer.

The beneficiary is a 41-year-old native and citizen of Greece, presently residing in Cardena, California. He was graduated on March 27, 1964 from the Northrop Institute of Technology, Inglewood, California with a diploma in aircraft maintenance engineering technology. Since February 5, 1965 he has been employed by Magnetica Inc., Venice, California in its production and manufacturing control department. His present duties include the control and issuance of material to its manufacturing department.

Section 203(a)(3) of the Immigration and Nationality Act, as amended, provides for the availability of visas to qualified immigrants who are members of the profession, or who because of their exceptional ability in the sciences or the arts will substantially benefit prospectively the national economy, cultural interests, or welfare of the United States.

Section 101(a)(32) of the Immigration and Nationality Act, as amended, defines the term "profession" as including but not being limited to architects, engineers, lawyers, physicians, surgeons, and teachers in elementary or secondary schools, colleges, academies, or seminaries.

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Although the above definition is intended to serve only as a guide, examination of the occupations listed indicates a characteristic common to all. Recognition of professional status in these fields normally requires the attainment of at least a baccalaureate degree or the equivalent in specialized experience. The attainment of such a degree, however, does not in all instances accord such recognition. First, the knowledge acquired must be a realistic prerequisite for entry into that field and secondly, the degree obtained must not be so avocational in nature that it does not provide the recipient with a background which can be accepted as a realistic qualification for that field.*

According to Mr. K. L. Strite, Dean of Engineering, Northrup Institute of Technology, the Institute offers both the diploma course in aircraft maintenance engineering technology and a bachelor of science degree in aircraft maintenance engineering. He clarified, however, that neither of these courses qualify the recipient for recognition as a professional engineer and that the credits earned in these courses would not be acceptable for post-graduate work in engineering. Dean Strite stated that the diploma course is about two thirds of the bachelor of science degree course.

Inquiry at the University of California, Los Angeles, has confirmed that the recipient of such degree would not be admitted to postgraduate study at that institution, and inquiry to the Board of Registration for Civil and Professional Engineers of the State of California elicited the following response: "The Board does not register engineers in the branch of aircraft maintenance engineering. The holder of a bachelor of science degree in aircraft maintenance engineering could presumably qualify for registration as a mechanical engineer when he meets the other requirements for registration. These requirements would include passing the engineering fundamentals examination, two years of acceptable mechanical engineering experience after the fundamentals exam, and then passing the professional examination."

It is concluded, then, that the attainment of a degree in aircraft maintenance engineering does not provide the recipient with a background which can be accepted as a realistic qualification for a professional engineer and, accordingly, the beneficiary is not found eligible for preference classification as a member of the professions.

ORDER: It is ordered that the petition to classify the status of Nicholas Paraskevas Sakellarides as a preference quota immigrant under section 203(a) (3) of the Immigration and Nationality Act, as amended, be and is hereby denied.

*Matter of Asuncion, Int. Dec. No. 1600.